

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**STIPULATED ELECTION AGREEMENT**

**Ultium Cells LLC**

**Case 08-RC-306216**

The parties **AGREE AS FOLLOWS:**

**1. PROCEDURAL MATTERS.** The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

**2. COMMERCE.** The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Ultium Cells LLC, an Ohio foreign limited liability company, with its facility located at 7400 Tod Avenue SW, Warren, Ohio, is engaged in the business of manufacturing electronic vehicle (EV) batteries. During the past twelve (12) months, a representative period, the Employer, in conducting its business operations described above, purchased and received at its Warren, Ohio, facility goods and materials valued in excess of \$50,000 directly from points located outside the State of Ohio.

**3. LABOR ORGANIZATION.** The Petitioner is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

**4. ELECTION.** A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

**DATE: Wednesday, December 7, 2022**

**HOURS: 5:00 a.m. to 11:00 a.m. and 5:00 p.m. to 11:00 p.m.**


**PLACE: In the training room on the Employer's premises located at  
7400 Tod Avenue SW, Warren, Ohio.**

**&**

**DATE: Thursday, December 8, 2022**

**HOURS: 5:00 a.m. to 11:00 a.m. and 5:00 p.m. to 11:00 p.m.**

**PLACE: In the training room on the Employer's premises located at  
7400 Tod Avenue SW, Warren, Ohio.**

Initials: 

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

**5. UNIT AND ELIGIBLE VOTERS.** The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time production and maintenance employees, including, but not limited to, the following department/teams: mixing, coating, roll press, notch & dry, lamination and stack, packaging, jig, gas/degas, charge/discharge, end of line, material handlers, quality inspectors, production maintenance, HVAC, boilers, electricians, industrial maintenance technician, machinist, production technician leaders/crew leaders employed at the Employer's Warren, Ohio facility, but excluding office clerical employees, professional employees, guards and supervisors as defined by the Act.


Those eligible to vote in the election are employees in the above unit who were employed during the **weekly payroll period ending Sunday, November 13, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the above unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, and, in a mail ballot election, before they mail in their ballots to the Board's designated office, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

**6. VOTER LIST.** Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

**7. THE BALLOT.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

Initials: 

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, (UAW), AFL-CIO?" The choices on the ballot will be "Yes" or "No".

**8. NOTICE OF ELECTION.** The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

**9. NOTICE OF ELECTION ONSITE REPRESENTATIVE.** The following individual will serve as the Employer's designated Notice of Election onsite representative:

Tom Gallagher, V. P. of Operations

7400 Tod Ave., SW., Warren, OH 44481

Phone: (248) 318-4938

Email: thomas.a.gallagher@gm.com

**10. ACCOMMODATIONS REQUIRED.** All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.


**11. OBSERVERS.** Each party may station an equal number of authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

**12. TALLY OF BALLOTS.** Upon conclusion of the election, the ballots will be comingled, counted and a tally of ballots prepared and immediately made available to the parties.

**13. POSTELECTION AND RUNOFF PROCEDURES.** All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

**14. SAFETY PROTOCOLS.** If these protocols cannot be followed (or attested to as required by Memorandum GC 20-10), the Regional Director reserves the right to cancel or reschedule the manual election, or convert the election to a mail-ballot election with ballots being mailed out on or as soon as practicable after the scheduled manual election date. Given the COVID-19 pandemic, in order to protect the voters, observers, Board agent(s), and others during the election and ballot count:

a. The Employer will provide separate tables with chairs that will be placed at least 6 feet apart in the voting area. The Employer will provide a sufficient number of tables to ensure six feet of space between the Board Agent(s), the Petitioner's Election Observers, and the Employer's Election Observers. In addition, it will provide separate tables for the ballot box and the voting booth. In the event the space of the voting area will not allow for separate tables, the Employer will set the voting area up to ensure six feet of space between the voters, the Board Agent, and the Election Observers can be maintained at all times;

Initials: 

- b. Multiple voter lists will be used during the course of the election to allow for social distancing between observers and Board Agent. The Board agent's voter list will be considered the official voter list for the election;
- c. Employer will place markings throughout the voting area, and in the immediate vicinity outside of that area, to ensure proper social distancing for voters;
- d. Employer will ensure that the voting area has sufficient room for voters to maintain 6 feet of space between one another when entering and exiting the voting area (the Board Agent will direct the flow of traffic to allow only five voters in the area at a time);
- e. Employer will ensure the voting area has an entrance and exit for voters, with markings to depict safe traffic flow throughout the polling area;
- f. Employer will provide hand sanitizers, gloves, and an abundant number of sanitizing wipes for the voting area;
- g. Employer will provide CDC-conforming masks for all voters;
- h. Employer will provide CDC-conforming masks for all party representatives and observers;
- i. The Board Agent, voters, and Election Observers shall wear CDC-conforming masks in the voting area during the entirety of the election process. In accordance with the "Voting Place Notice," Form NLRB-5017, the Board Agent has the discretion to advise a voter who is not properly masked to leave the voting area and return when properly masked;
- j. Employer will provide a sufficient number of disposable pencils without erasers for each voter to mark their ballot;
- k. Employer will provide glue sticks or tape to seal challenged ballot envelopes;
- l. Employer will provide plexiglass barriers of sufficient size to separate observers and the Board Agent from voters and each other, along with pre-election conference and ballot count attendees;
- m. All individuals attending the pre-election conference and ballot count shall wear CDC-conforming masks. The Board Agent has the discretion to advise a conference or count attendee who is not properly masked to leave the conference/count and return when properly masked;
- n. The Board Agent has the discretion to limit the number of observers and/or party agents present for the pre-election conference and ballot count in order to allow for appropriate social distancing;
- o. If necessary, Employer will provide doorstops or similar items to allow the doors to be propped open during the pre-election conference, election, and the ballot count, to facilitate air flow in the polling area;
- p. An inspection of the polling area will occur by Zoom videoconference with all parties at 2:00 p.m. on Monday, December 5, 2022 so that the Board Agent and parties can view the polling area;
- q. Employer will post signs immediately adjacent to the Notice of Election to notify voters, observers, party representatives, and other participants of the mask requirement;

Initials: 

- r. Employer will sanitize the polling area the day of the election, prior to the start of the pre-election conference;
- s. Parties will immediately notify the Regional Director in writing if any participant in the election, including all representatives, observers, and eligible voters, test positive for COVID-19 or if they have been directly exposed to individuals who have tested positive for COVID-19 during the 14 days immediately preceding the election date;
- t. The Employer will complete and submit GC 20-10 COVID-19 Certification Forms A and B to the Region within the time frame set forth on the forms. The Forms will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health and whether it should be cancelled, rescheduled or converted to a mail-ballot election. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election;
- u. The Petitioner will complete and submit GC 20-10 COVID-19 Certification Form B to the Board Agent conducting the election within the period set forth on the form;
- v. Individuals for which Form B was not submitted will not be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count;
- w. All parties agree to immediately notify the Regional Director, if, within 14 days after the day of the election, any individuals who were present in the facility on the day of the election:
1. have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days;
  2. are awaiting results of a COVID-19 test;
  3. are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, shortness of breath;
  4. have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).


**15. SAFETY PROTOCOL OBJECTIONS WAIVER.** The Parties waive all rights to file objections to a Board agent's refusal to allow access to the voting area to all voters, observers, party representative, or other individuals who refuse to properly wear a CDC conforming mask as described above.

Initials: 



**Ultium Cells LLC**  
(Employer)

**International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America, (UAW), AFL-CIO**  
(Petitioner)

By:  11/18/2022  
(Signature) (Date)

By: \_\_\_\_\_  
(Signature) (Date)

Print Name: THOMAS A. GALLAGHER

Print Name: \_\_\_\_\_

Recommended:  11/21/2022  
BRETT JACKSON, Field Examiner (Date)

Date approved: 11-21-22



**Iva Choe, Regional Director, Region 08**  
**National Labor Relations Board**

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Initials: DB

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Phone: (248) 318-4938

Email: thomas.a.gallagher@gm.com

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a. The Employer will provide separate tables with chairs that will be placed at least 6 feet apart in the voting area. The Employer will provide a sufficient number of tables to ensure six feet of space between the Board Agent(s), the Petitioner's Election Observers, and the Employer's Election Observers. In addition, it will provide separate tables for the ballot box and the voting booth. In the event the space of the voting area will not allow for separate tables, the Employer will set the voting area up to ensure six feet of space between the voters, the Board Agent, and the Election Observers can be maintained at all times;

Initials: DB

- b. Multiple voter lists will be used during the course of the election to allow for social distancing between observers and Board Agent. The Board agent's voter list will be considered the official voter list for the election;
- c. Employer will place markings throughout the voting area, and in the immediate vicinity outside of that area, to ensure proper social distancing for voters;
- d. Employer will ensure that the voting area has sufficient room for voters to maintain 6 feet of space between one another when entering and exiting the voting area (the Board Agent will direct the flow of traffic to allow only five voters in the area at a time);
- e. Employer will ensure the voting area has an entrance and exit for voters, with markings to depict safe traffic flow throughout the polling area;
- f. Employer will provide hand sanitizers, gloves, and an abundant number of sanitizing wipes for the voting area;
- g. Employer will provide CDC-conforming masks for all voters;
- h. Employer will provide CDC-conforming masks for all party representatives and observers;
- i. The Board Agent, voters, and Election Observers shall wear CDC-conforming masks in the voting area during the entirety of the election process. In accordance with the "Voting Place Notice," Form NLRB-5017, the Board Agent has the discretion to advise a voter who is not properly masked to leave the voting area and return when properly masked;
- j. Employer will provide a sufficient number of disposable pencils without erasers for each voter to mark their ballot;
- k. Employer will provide glue sticks or tape to seal challenged ballot envelopes;
- l. Employer will provide plexiglass barriers of sufficient size to separate observers and the Board Agent from voters and each other, along with pre-election conference and ballot count attendees;
- m. All individuals attending the pre-election conference and ballot count shall wear CDC-conforming masks. The Board Agent has the discretion to advise a conference or count attendee who is not properly masked to leave the conference/count and return when properly masked;
- n. The Board Agent has the discretion to limit the number of observers and/or party agents present for the pre-election conference and ballot count in order to allow for appropriate social distancing;
- o. If necessary, Employer will provide doorstops or similar items to allow the doors to be propped open during the pre-election conference, election, and the ballot count, to facilitate air flow in the polling area;
- p. An inspection of the polling area will occur by Zoom videoconference with all parties at 2:00 p.m. on Monday, December 5, 2022 so that the Board Agent and parties can view the polling area;
- q. Employer will post signs immediately adjacent to the Notice of Election to notify voters, observers, party representatives, and other participants of the mask requirement;

Initials: DB

r. Employer will sanitize the polling area the day of the election, prior to the start of the pre-election conference;

s. Parties will immediately notify the Regional Director in writing if any participant in the election, including all representatives, observers, and eligible voters, test positive for COVID-19 or if they have been directly exposed to individuals who have tested positive for COVID-19 during the 14 days immediately preceding the election date;

t. The Employer will complete and submit GC 20-10 COVID-19 Certification Forms A and B to the Region within the time frame set forth on the forms. The Forms will be considered by the Regional Director in determining whether conducting the election manually will jeopardize public health and whether it should be cancelled, rescheduled or converted to a mail-ballot election. Failure to provide accurate or timely forms may result in the election being cancelled, rescheduled, or converted to a mail ballot election;

u. The Petitioner will complete and submit GC 20-10 COVID-19 Certification Form B to the Board Agent conducting the election within the period set forth on the form;

v. Individuals for which Form B was not submitted will not be permitted to be physically present at the pre-election conference, to serve as an observer during the election or at the ballot count;

w. All parties agree to immediately notify the Regional Director, if, within 14 days after the day of the election, any individuals who were present in the facility on the day of the election:

1. have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days;
2. are awaiting results of a COVID-19 test;
3. are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, shortness of breath;
4. have had direct contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

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Initials: DB

Ultium Cells LLC

(Employer)

International Union, United Automobile,  
Aerospace and Agricultural Implement  
Workers of America, (UAW), AFL-CIO

(Petitioner)

By: \_\_\_\_\_

(Signature)

(Date)

By: Darren Burgy

(Signature)

11/17/2022  
(Date)

Print Name: \_\_\_\_\_

Print Name: DARREN BURG

Recommended: B. J.

BRETT JACKSON, Field Examiner (Date)

11/21/22

Date approved: \_\_\_\_\_

11-21-22

[Signature]

Iva Choe, Regional Director, Region  
08 National Labor Relations Board

Initials: DB